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17
18 **UNITED STATES DISTRICT COURT**
19 **NORTHERN DISTRICT OF CALIFORNIA**
20 **SAN FRANCISCO DIVISION**

21 *IN RE: 23ANDME, INC. CUSTOMER DATA
SECURITY BREACH LITIGATION*

22 This Document Relates To: All Actions

23 Case No. 3:24-md-03098-EMC

24 **ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED PURSUANT TO CIVIL
LOCAL RULES 3-12 AND 7-11**

1 Plaintiff Rudy K. Thompson (“Plaintiff”) submits this administrative motion, pursuant to Civil
 2 Local Rules 3-12(b) and 7-11(a), as well as MDL Panel Rules 7.1 and 7.2, to consider whether the above
 3 entitled action, *Thompson v. 23andMe, Inc.*, Case No. 3:24-cv-01418-AGT (the “*Thompson Action*”),
 4 which was filed on March 8, 2024 and is currently assigned to Magistrate Judge Alex G. Tse, should be
 5 related to other similar pending actions in this District. Specifically, the Plaintiff moves the Court to
 6 consider whether the *Thompson Action* should be related to *Santana v. 23andMe, Inc.*, No. 23-cv-5147-
 7 EMC (N.D. Cal.) as part of the multidistrict litigation titled *In re: 23andMe, Inc., Customer Data Security*
 8 *Breach Litigation*, 3:24-md-03098-EMC (N.D. Cal) (“*In re 23andMe*”).

9 Plaintiff submits that the *Thompson Action* is related to the *In re 23andMe* Action within the
 10 meaning of Civil Local Rule 3-12(a). Actions are related when (1) the actions substantially concern the
 11 same parties, property, transaction or event; and (2) it appears likely that there will be an unduly
 12 burdensome duplication of labor and expense or conflicting results if the cases are conducted before
 13 different judicial officers. Civ. L.R. 3-12(a). The *Thompson Action* and the actions consolidated in *In re*
 14 *23andMe* involve the same Defendant, arise from the same event, and concern substantially the same
 15 facts. See Civ. L.R. 3-12(a)(1). Specifically, Plaintiffs are consumers that allege that their private
 16 personally identifiable information (“PHI”) and personal genetic information (“PGI”) was stolen from
 17 23andMe by unauthorized persons in early October 2023 (the “Data Breach”).

18 Furthermore, the cases are putative class actions seeking to represent substantially similar, if not
 19 identical, putative classes, and seek damages and other relief. As such, each action will require
 20 adjudication of substantially the same questions of law and fact.

21 Given these similarities, it “appears likely that there will be an unduly burdensome duplication of
 22 labor and expenses of conflicting results if the cases are conducted before different Judges.” Civ. L.R. 3-
 23 12(a)(2). Indeed, having these actions prosecuted separately would create an undue burden on the Court
 24 and parties and cause duplication of labor and expense, as well as lead to potentially conflicting results.
 25 Relating these actions will conserve judicial resources and ensure consistent results.

26 Accordingly, Plaintiff Thompson respectfully requests that the *Thompson Action* be deemed
 27 related to *In re 23andMe* pursuant to Local Rule 3-12(a).

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1 Dated: April 19, 2024

Respectfully submitted,
COTCHETT, PITRE & McCARTHY, LLP

3 /s/ Gia Jung

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19 *Counsel for Plaintiff Rudy K. Thompson*

1 **ATTESTATION PURSUANT TO CIVIL LOCAL RULE 5-1(i)(3)**

2 I, Gia Jung, attest that concurrence in the filing of this document has been obtained from the
3 other signatories. I declare under penalty of perjury under the laws of the United States of America that
4 the foregoing is true and correct.

5 Executed this 19th day of April 2024, at Burlingame, California.

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7 By /s/ Gia Jung
8 Gia Jung

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